IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

APPEAL NO.973 OF 2000

IN

SUIT NO.1357 OF 2000

...

St.Anthony's Homes Co.operative
Society Ltd. ...Appellant

v/s.

Secretary (Co.operation & Textile
Department) Mumbai & ors. ...Respondents

And

Mrs.Martha Soares through
her Constituted Attorney
Mr.Aloysius Soares ...Intervener

...

Mr.J.Reis i/b S.J.Chaurasia for the Appellant.
Mr.K.R.Belosay, G.P. for Respondents Nos. 1 & 2.
Mr.V.Mannadiar for the Intervener.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 31ST JULY, 2007

P.C.:

1. The orders, which are challenged in the Appeal admittedly, arise out of the application made by the Respondents Nos.3 & 4 for membership of the Appellant-Housing Society. Minutes of the Order have been filed, signed by Respondents Nos.3 & 4, dated 11th April, 2001, wherein the Respondents Nos. 3 & 4 have stated that they are withdrawing their applications for membership of the Appellant/society and they have also stated that they are not interested in becoming members of the Appellant-society.

2. As the Respondents Nos.3 & 4 have withdrawn their applications for membership of the Appellant-society, the orders passed by the authorities under the Maharashtra Co.operative Societies Act because of those applications as also the order passed by the

learned single Judge of this court declining to entertain the writ petition filed by the Appellant-society challenging the orders passed by the authorities have become inoperative and therefore, the appeal itself is rendered infructuous, because the orders impugned in the appeal do not survive for consideration. Appeal is, therefore, disposed of.

3. It may be pointed out here that the learned counsel appearing for the Appellant submits that the view taken by the learned single Judge in the order which is impugned in the petition is no longer good law in view of the judgment of the Supreme Court in the case of Zoroastrian Co.operative Housing Society Ltd.and anr. v/s. District Registrar, Cooperative Societies (Urban) and ors. (2005) 5 SCC 632. However, since we find that the appeal does not survive for consideration, it is not necessary for us to examine that question.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)

upk/-